

# 6

APPLICATION NUMBER

10/083,783

FILING DATE

02/25/2002

APPLICANT

Jeromy Johnson

TO: Office of Petitions

FROM: Jeromy Johnson

DATE: 03/22/04

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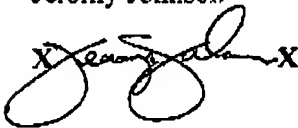
NOV 05 2004

OFFICE OF PETITIONS

SUBJECT: Petition to withdraw holding of abandonment based on failure to receive office action.

On February 2, 2004 I received a Notice of Abandonment that stated that I failed to timely or properly reply to the notice to file missing parts mailed on 03/28/02. I never received the notice to file corrected application papers in the mail. If I had received this notice I would have promptly returned the corrected papers. I have no doubt that the notice was sent but because I never received the notice it is my conclusion that the notice was lost in the mail. I have been working on this invention and patent for more than 5 years and having to start back at square one would be devastating considering it was unavoidable and out of my control. For the record, I would like it to be known that ever since my application was sent I have kept a file folder with all documents and mail pertaining to the filing. An activity docket has been kept through out the process and entries recorded to keep track of my filing. Everyday the mail was checked by me and if anything pertaining to my filing was received it was immediately filed away in my patent document folder. In this petition to withdraw holding of abandonment based on failure to receive office action I have attached my activity docket for further evidence that the notice for corrected papers were never received.

Thanks,  
Jeromy Johnson



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Application Number  
10/083,783

## ACTIVITY DOCKET

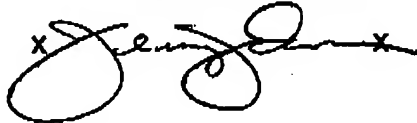
Filing Date 02/25/02

- 01/15/2003 I called and talked to Preston Wallace at 703-308-9452. He told me that the notice to file corrected application papers had been mailed on 03/28/02. I told him that I never received them in the mail. He then told me to give him a few days and he would try to get it reversed.
- 01/23/2003 I called Preston Wallace to follow-up. He said that he was still working on getting my application revived.
- 02/12/2003 I again called Preston Wallace and he gave me a number to call Dillard at 703-305-7654. I called Dillard and left a message. I got no return phone call.
- 03/10/2003 I called Preston Wallace and he told me that I would receive a Notice Of Abandonment in the mail. An option to revive my application would be given. I made sure my mailing address was correct.
- 03/03/2004 I received the notice of abandonment.
- 03/04/2004 I called Office of Petitions and left a message with Paul Shanoski.
- 03/05/2004 I again call the Office of Petitions and got in-touch with Paul Shanoski. He told me to print 711.03@ Delgar V. Schulyer and to read it.
- 03/17/2004 Talked with the office of petitions and the told me to send in a petition to withdraw holding of abandonment.
- 03/24/2004 Sent petition express mail
- 04/19/2004 Called Shanoski to see if he had received my petition. He had no record of it. He said to give it 2 more weeks.
- 05/10/2004 talked with Paul again and he had not received it yet. He told me to fax it and wait 2-3 weeks.
- 05/11/2004 Faxed the petition to Pauls attention.
- 06/11/2004 Called Paul to see if he had received my fax. Got his voice mail and left a message stating that I would fax the petition again.
- 06/11/2004 Faxed the petition to Pauls attention.
- 07/02/2004 Talked to customer service at the office of petitions. The application had not been looked at yet.
- 07/16/2004 Talked to customer service at the office of petitions. The application is in review.
- 07/30/2004 I received a decision on petition in the mail. The petition was dismissed because of

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failure to sign sent documents.  
08/02/2004 Left a message with Paul Shanowski regarding  
the dismissal.  
08/09/2004 Got in-touch with Paul. He said to fax the  
renewed petition to the technology center.  
08/13/2004 Called Sue at PTO to see if I needed to sign  
all the documents in the renewed petition  
packet. I left a message.  
08/17/2004 Sue called me back and said she needed  
to order my file for future research  
08/20/2004 Sue called and advised me to sign the last  
page of the renewed petition and fax it in.  
08/26/2004 I faxed the renewed petition to the OIPE  
office.

Jeromy A. Johnson

A handwritten signature in black ink, appearing to read 'Jeromy A. Johnson', with a large loop at the end and small 'x' marks at the beginning and end of the signature line.

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/083,783	02/25/2002	Jeromy Allen Johnson	

CONFIRMATION NO. 5472

FORMALITIES LETTER



Jeromy Johnson  
806 Pretty Run Drive  
North Augusta, SC 29841

Date Mailed: 03/28/2002

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OFFICE OF PETITIONS

NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - the application contains color drawings or color photographs, but not a black and white copy of the drawings/photographs (see 37 CFR 1.84(a)(2)(iii) and 1.165(b));
- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/083,783	02/25/2002	Jeromy Allen Johnson	

CONFIRMATION NO. 5472

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011765159\*

Jeromy Johnson  
806 Pretty Run Drive  
North Augusta, SC 29841

Date Mailed: 01/26/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/28/2002.

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- No reply was received.

OFFICE OF PETITIONS

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

X

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10/083,783

PTO/SB/07 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office ; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Transmission under 37 CFR 1.8**

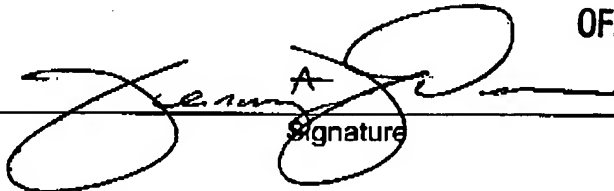
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 8/26/04  
Date

**RECEIVED**

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**OFFICE OF PETITIONS**

  
Signature

Jeremy A. Johnson  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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TO: Office of Petitions (703-372-9306) (OIPF)FROM: Jeromy A. Johnson (jjohnson3@mcjunkin.com)DATE: 8/13/2004

TOTAL PAGES (Including Cover):

8COMMENTS: " RENEWED PETITIONS UNDER 37 CFR 1.81 "

X   
Jeromy Johnson

North Charleston, South Carolina Office  
Branch# 030

5945 Commerce Circle  
N. Charleston, SC 29406

Phone: 843.744.4401 / 800.922.7930 Fax: 843.744.0665

[www.mcjunkin.com](http://www.mcjunkin.com)



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No. 5

Jeromy Johnson  
806 Pretty Run Drive  
North Augusta SC 29841

COPY MAILED

JUL 21 2004

OFFICE OF PETITIONS

In re Application of :  
Jeromy Johnson :  
Application No. 10/083,783 :  
Filed: February 25, 2002 :  
Title: AUTOMATIC BALL MARK :  
RETRIEVAL SYSTEM (ACCULINX) :

DECISION ON PETITION

**BACKGROUND**

This is a decision on the petition filed March 24, 2004 under 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn. A second copy of this petition was submitted on June 11, 2004.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed March 28, 2002, which indicated that substitute drawings were required and set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 29, 2002. A Notice of Abandonment was mailed January 26, 2004.

**THE RELEVANT PORTION OF THE CFR AND MPEP****37 CFR 1.4: Nature of correspondence and signature requirements.**

(d)

(1) Each piece of correspondence, except as provided in paragraphs (e) and (f) of this section, filed in an application, patent file, trademark registration file, or other proceeding in the Office which requires a person's signature, must:

- (i) Be an original, that is, have an original signature personally signed in permanent ink by that person; or
- (ii) Be a direct or indirect copy, such as a photocopy or facsimile transmission (§ 1.6(d)), of an original. In the event that a copy of the original is filed, the original should be retained as evidence of authenticity. If a question of authenticity arises, the Office may require submission of the original; or
- (iii) Where an electronically transmitted trademark filing is permitted, the person who signs the filing must either
  - (A) Place a symbol comprised of numbers and/or letters between two forward slash marks in the signature block on the electronic submission; and print, sign and date in permanent ink, and maintain a paper copy of the electronic submission; or

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- (B) Sign the verified statement using some other form of electronic signature specified by the Commissioner.
- (2) The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15).
- (e) Correspondence requiring person's signature and relating to registration practice before the Patent and Trademark Office in patent cases, enrollment and disciplinary investigations, or disciplinary proceedings must be submitted with an original signature personally signed in permanent ink by that person.
- (f) When a document that is required by statute to be certified must be filed, a copy, including a photocopy or facsimile transmission, of the certification is not acceptable.

MPEP 502.02 Correspondence Signature Requirements:

Correspondence filed in the Office, which requires a person's signature, may be an original, or a copy thereof. The word original, as used herein, is defined as correspondence which is personally signed in permanent ink by the person whose signature appears thereon. Where copies of correspondence are acceptable, photocopies or facsimile transmissions may be filed. For example, a photocopy or facsimile transmission of an original of an amendment, declaration (e.g., under 37 CFR 1.63 or 1.67), petition, issue fee transmittal form, authorization to charge a deposit account or a credit card, may be submitted in a patent application. Where copies are permitted, second and further generation copies (i.e., copy of a copy) are acceptable. For example, a client may fax a paper to an attorney and the attorney may then fax the paper to the Office, provided the paper is eligible to be faxed (see MPEP § 502.01). The original, if not submitted to the Office, should be retained as evidence of proper execution in the event that questions arise as to the authenticity of the signature reproduced on the photocopy or facsimile-transmitted correspondence. If a question of authenticity arises, the Office may require submission of the original. When a document that is required by statute to be certified must be filed (such as a certified copy of a foreign patent application pursuant to 35 U.S.C. 119 or a certified copy of an international application pursuant to 35 U.S.C. 365) a copy of the certification, including a photocopy or facsimile transmission, will not be acceptable. The requirement for an original certification does not apply to certifications such as required under 37 CFR 1.8 since these certifications are not required by statute.

ANALYSIS

Unfortunately, Petitioner has failed to sign his petition. Pursuant to both 37 C.F.R. §1.4(d)(1) and MPEP §502.02, the petition cannot be accepted.

CONCLUSION

As such, the petition under 37 C.F.R. §1.181 must be **DISMISSED**.

Any response to this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The response should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.181."

Petitioner should note that the Office of Petitions does not have jurisdiction over petitions to withdraw the holding of abandonment, and therefore cannot render a decision on the merits.

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The renewed petition should be submitted to the Office of Initial Patent Examination (OIPE) at:

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

After the mailing of this decision, the application file will be forwarded to OIPE.

Telephone inquiries regarding this decision should be directed to the Customer Service Branch of OIPE at 703-308-1202.

The phone number of the undersigned is (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria, and the telephone number for the undersigned will change to 571-272-3225.



**Paul Shanowski**  
Senior Attorney  
Office of Petitions  
United States Patent and Trademark Office

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X *Jerome*

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